



Appl. No. 09/845,575  
Dated 02-14-2007  
Petition (37 CFR 1.181 or 37 CFR 1.137(B))  
Atty. Docket No. 03.0067

DAC  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/845,575  
Applicant : John H. Lambert  
Filed : April 30, 2001  
TC/AU : 2176  
Examiner : Quoc A. Tran  
Docket No. : 03.0067

2007 FEB 14 AM 11:39  
OPR/FINANCE

Commissioner for Patents  
Mail Stop Petition  
PO Box 1450  
Alexandria, VA 22313-1450  
Fax: 571-273-8300

**PETITION TO THE DIRECTOR UNDER 37 CFR 1.181  
or, in the alternative,  
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(B)**

Sir:

**Certificate of Mailing or Transmission [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Erik J. Heels, 02-14-2007

**Request**

Applicant respectfully requests that the Notice of Abandonment be withdrawn for this application and that the previously paid issue fee be applied to the current Notice of Allowance.

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Dated 02-14-2007  
Petition (37 CFR 1.181 or 37 CFR 1.137(B))  
Atty. Docket No. 03.0067

### **Background**

On 12-28-2005, the USPTO issued a first Notice of Allowance.

On 01-30-2006, Applicant submitted a first Issue Fee Payment (PTOL-85 Part B). A copy of this form is attached. A record of this submittal appears in PAIR.

On 04-12-2006, Applicant submitted a first petition, namely a PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. 1.313(c), in order to correct a trademark reference in the patent application.

On 04-18-2006, the petition to withdraw was granted.

On 04-26-2006, the USPTO issued a second Notice of Allowance, in which the fee due was \$0 (zero dollars).

On 07-06-2006, Applicant submitted a second Issue Fee Payment (PTOL-85 Part B). A copy of this form is not attached, and a record of this submittal does not appear in PAIR, but its receipt was verified by phone with the USPTO Office of Patent Publications (Darlene Lyons), who verified that the fax was sent from number 978-823-0888 and received at number 571-273-2885 on 07-06-2006.

On 07-21-2006, Applicant's assets were acquired by a public company. A copy of the relevant press release is attached. This would mean, according to 37 CFR 1.27, that Applicant would no longer be eligible for reduced small entity fees for future maintenance fees. As such, Applicant is no longer claiming small entity status as of 07-21-2006.

On 12-26-2006, the USPTO issued a Notice of Abandonment.

On 12-27-2006, Applicant contacted the USPTO Office of Patent Publications and faxed a PETITION TO THE DIRECTOR UNDER 37 CFR 1.181 (the third petition) requesting that the Notice of Abandonment be withdrawn.

Appl. No. 09/845,575  
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On 01-03-2007, Applicant contacted the USPTO Office of Patent Publications and refaxed the third petition. Additionally, Applicant requested that the 01-30-2006 issue payment be reapplied.

On 01-03-2007, Applicant contacted the USPTO Office of Patent Publications and refaxed the third petition. Additionally, Applicant attached a copy of the 01-30-2006 first Issue Fee Payment.

On 01-13-2007, Applicant refaxed the 01-02-2007 communication to the USPTO Office of Patent Publications.

#### **Discussion**

In response to the 12-18-2005 Notice of Allowance, Applicant paid \$1000 with the submittal of the 01-30-2006 Issue Fee Payment (PTOL-85 Part B). In response to the 04-26-2006 Notice of Allowance, Applicant paid \$0 with the submittal of the 07-06-2006 Issue Fee Payment (PTOL-85 Part B). As of 07-06-2006, Applicant was entitled to small entity status. If, based on the to-be-determined date of payment of the Issue Fee, it is determined that Applicant is no longer entitled to small entity status, then an additional \$700 would be due (\$1700 being due for other than small entities, \$1000 for small entities).

#### **Alternative Grounds**

If Applicant's petition under 37 CFR 1.181 is denied, then please consider this, in the alternative, a petition under 37 CFR 1.137(B). As such and in that case, Applicant hereby petitions for a revival of the above-identified application.

1. Petition Fee. The "other than small entity fee" of \$1500 is enclosed herewith.
2. Reply and/or fee. The issue fee and publication fee of \$1000 was previously paid on 01-30-2006. Please reapply this payment to the 04-26-06 Notice of Allowance. If it is determined that payment of the \$1700 issue fee (for other than small entities) is due, then the Director is hereby authorized to apply the difference (\$700) from the deposit account indicated below.

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3. Terminal disclaimer with disclaimer fee. Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

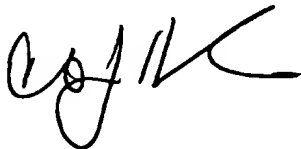
4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

### Summary

Considering Applicant's timely submittal of the first Issue Fee Payment and second Issue Fee Payment, Applicant respectfully requests that the 01-30-2006 Issue Fee Payment be reapplied to the 04-26-2006 Notice of Allowance and that the 37 CFR 1.181 petition be granted. If Applicant's petition under 37 CFR 1.181 is denied, then Applicant respectfully requests revival of the Application under 37 CFR 1.137(B), unintentional abandonment.

The 37 CFR 1.137(B) petition fee payment of \$1500 is enclosed. For deposit account name CLOCK TOWER LAW GROUP, deposit account number 503553, the Director is hereby authorized to (1) charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 and (2) credit any overpayments (including, as applicable, overpayment of petition and issue fees).

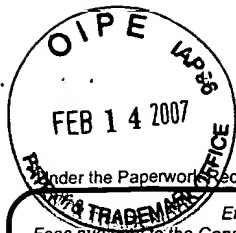
Respectfully Submitted,



Erik J. Heels  
Registration No. 39,218  
Customer No. 30,948

Date: 02-14-2007

Clock Tower Law Group  
2 Clock Tower Place, Suite 255  
Maynard, MA 01754  
Phone: 978-823-0008  
Fax: 978-823-0888  
Email: uspto@clocktowerlaw.com



PTO/SB/17 (12-04v2)

Approved for use through 01/31/2007. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 1500

**Complete if Known**

Application Number	09/845,575
Filing Date	04-30-2001
First Named Inventor	LAMBERT, John R. / FINANCE
Examiner Name	TRAN, Quoc A.
Art Unit	2176
Attorney Docket No.	03.0067

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 503553 Deposit Account Name: CLOCK TOWER LAW GROUP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): PETITION UNDER 37 CFR 1.137(B)

Fees Paid (\$)

1500

**SUBMITTED BY**

Signature		Registration No. 39,218 (Attorney/Agent)	Telephone 978-823-0008
Name (Print/Type)	Erik J. Heels		Date 02-14-2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/845,575
Filing Date	04-30-2001
First Named Inventor	LAMBERT, John H.
Art Unit	2176
Examiner Name	TRAN, Quoc A.
Attorney Docket Number	03.0067

Enclosed is a petition filed under 37 CFR 1.137(B) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 1500 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 503553:

☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☒ Check in the amount of \$ 1500 is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature  
Erik J. Heels

Typed or printed name

02-14-2007

Date

39,218

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (09-06)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

09/845,575

Filing Date

04-30-2001

First Named Inventor

LAMBERT, John H.

Art Unit

2176

Examiner Name

TRAN, Quoc A.

Attorney Docket Number

03.0067

**ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):1 Check;  
Postcard**Remarks**PETITION TO THE DIRECTOR UNDER 37 CFR 1.181 or, in the alternative, PETITION FOR  
REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37  
CFR 1.137(B)**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Clock Tower Law Group

Signature

Printed name

Erik J. Heels

Date

02-14-2007

Reg. No.

39,218

**CERTIFICATE OF TRANSMISSION/MAILING**I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with  
sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  
the date shown below:

Signature

Typed or printed name

Erik J. Heels

Date

02-14-2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## News Release

**Verizon Directories Corp. Acquires Inceptor Assets****July 21, 2006****Media contacts:**

Dana Benton Russell, 972-453-7014

David Matthews, 972-453-7691

**DALLAS** - Verizon Directories Corp., a subsidiary of Verizon Communications Inc. (NYSE: VZ), today announced that it has acquired the assets of Inceptor, Inc., a provider of search marketing technology.

The transaction complements existing search engine marketing products both companies provide. Inceptor earlier this year launched BidCenter Agency, an enhanced version of its BidCenter platform for managing pay-per-click advertising that features specialized functionality designed for interactive advertising agencies and resellers. The deal enhances SuperPages.com's efforts to maximize exposure for advertisers who want qualified sales leads.

Inceptor is a privately held company based in the Boston area. Terms of the deal were not disclosed.

Verizon SuperPages.com was the first Internet yellow pages directory to offer both fixed-fee and performance-based advertising products options.

**About Verizon Directories Corp.**

Verizon Directories Corp., a subsidiary of Verizon Communications Inc. (NYSE: VZ), is the second largest yellow pages directories publisher in the United States. Products include print yellow pages; print white pages; SuperPages.com; and, SuperPages On the Go information directory.

**About Inceptor**

Inceptor is a leading search engine marketing firm founded in 1999. The privately held firm developed BidCenter, the industry's first portfolio-based self-service PPC advertising bid management system that automates the complex keyword bidding process. BidCenter's patent-pending pay-per-click advertising bid management technology employs optimization techniques similar to those that professional money managers use to optimize mutual funds. With offices in the Boston area and London, Inceptor has 45 employees and more than 5,500 customers including Home Shopping Network, Lawyers.com, CVS.com, Christianbook.com, and UPromise.

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